



Atty. Docket No. BO 44966

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 3543

Gerritdina Hendrika VAN GEEL-SCHUTTEN et al.

Serial No. 09/995,749

GROUP 1652

Filed November 29, 2001

Examiner Manjunath N. Rao

NOVEL GLUCOSYLTRANSFERASES

#9
M.Q.J
8/8/02

RESPONSE

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Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the restriction requirement set forth in the outstanding Official Action, Applicants hereby provisionally elect Group I, claims 1-13, with traverse.

It is respectfully submitted that Groups I-VIII are sufficiently related so that a search and examination of the entire application can be made without a serious burden on the Examiner.

The present invention is directed to the enzymatic production of biomolecules. Specifically, a novel enzyme having glucosyltransferase activity using sucrose as a substrate has now been found in lactobacilli, and its amino acid sequence and other structural properties have been determined. The enzyme possesses unique characteristics in that it is capable of producing a highly branched glucan. Thus, the invention pertains to an enzyme, the DNA encoding the enzyme, the cells containing the

DNA, and their use in producing carbohydrates. As such, it is respectfully submitted that the present invention is directed to subject matter in which a search and examination can be completed within a narrow discipline.

At the very least, it is respectfully requested that claims 17 and 18 be examined with Group I, claims 1-13. Claim 17 has been placed in Group II. Claim 18 has been restricted in a manner so that it is the only claim found in Group III.

Applicants note that in the parent case (09/604,957) of the present application, the corresponding restriction requirement did not require restriction between claim 1 and claims 12, 18 and 19. Present claims 17 and 18 are substantially similar to claims 12, 18 and 19 found in the parent case. Thus, it is believed that a restriction requirement excluding claims 17 and 18 from Group I is improper and inconsistent with previous actions set forth by the United States Patent and Trademark Office.

Present claim 17 is directed to a process for producing protein such as glucosyltransferase. Claim 18 is directed to a process for producing an oligosaccharide or polysaccharide using a protein having glucosyltransferase activity. It is respectfully submitted that present claims 17 and 18 are sufficiently related to Group I, claims 1-13.

Finally, while the Examiner places Groups I-VIII in separate classifications, separate classification is no evidence

of the propriety of requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot diminish an applicants rights in any way.

In light of the above discussion, it is believed to be apparent that the restriction requirement set forth in the Official Action of July 3, 2002 is improper and must be withdrawn. Favorable action on the merits of claims 1-23 in their full scope is therefore respectfully requested. At the very least, it is respectfully requested that claims 17 and 18 be examined with Group I, claims 1-13.

Respectfully submitted,

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By

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